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April 19, 2011

Judge Polster
Carl B. Stokes United States Court House
801 West Superior Avenue, Courtroom 18B
Cleveland, Ohio 44113-1837

Re: Appeal to the United States Supreme Court

Dear Judge Polster:

After much consideration, the decision has been made to not appeal the 6th Circuit's current decision to the United States Supreme Court. My suggestion, which I will share with Mr. Rosenbaum, is that he and I re-file our motions for summary judgment incorporating the now on point decision by the 6th Circuit in Mr. Rosenbaum's appeal of your earlier decision. The court's original decision on summary judgment relied on one of potentially many legal issues relating to summary judgment decisions on their own merit. As a result, it seems appropriate to have those matters re-addressed to the court for their consideration.

A copy of this letter has been emailed to Mr. Rosenbaum today.

Sincerely,

Dean Boland